

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 10-CR-20421

v.

HON. GERALD E. ROSEN

D-1 FRANK RICHARDSON

D-2 JEROME ANDREWS

D-3 TEVIN BIVENS

D-4 DERRICK BIVENS

D-5 MONTEZ FAILS

D-6 DERICK SHIRLEY,

Defendants.

MOTION AND BRIEF FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States Attorney for the Eastern District of Michigan, Barbara L. McQuade, hereby requests leave of the Court to dismiss the Indictment against the above named Defendants herein.

The reason for dismissal is as follows:

A first superseding indictment has been filed in companion case number 10 CR 20397 on August 13, 2010 against the following defendants, FRANK RICHARDSON, JEROME

ANDREWS, TEVIN BIVENS, DERRICK BIVENS, MONTEZ FAILS and DERICK SHIRLEY to consolidate the cases. The superseding indictment contains the same charges contained in this indictment.

BARBARA L. MCQUADE
United States Attorney

s/Barbara L. McQuade
United States Attorney
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Dated: August 24, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2010, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Ronnie E. Cromer, Jr, Esq.
Kimberly Lewis, Esq.
Frederick M. Finn, Esq.
Ben M. Gonek, Esq.

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